IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7072 OF 2005
WITH
CRIMINAL APPLICATION NO.7071 OF 2005

Dinesh Jindal .. Applicant
Versus
Jagdish Gurwani & Ors. .. Respondents

Mr.S.B.Shetye for applicant
Mrs.S.D.Shinde, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 29th November 2005.

P.C.

. Application No.7072 of 2005 is allowed in terms of the order dated 26th October 2005. This order was passed because applicant was apprehending that even in the case which is filed under section 138 and 141 of the Negotiable Instruments Act, 1881 as amended in 1988, applicant would not be enlarged on bail. Non

bailable warrant was issued against him and the grievance is made that despite applicant remaining present, the court proceeded to issue non bailable warrant. In fact, the court which proceeded to do so was the one to which the case was recently transferred. After considering this grievance and taking a serious note of the manner in which the Court dealt with the application of applicant, this Court enlarged the applicant on bail. Application, therefore, need not be proceeded further and can be disposed of in terms of this order.

2. Order dated 26th October 2005 thus stands confirmed.

3. As far as Criminal Application No.7071 of 2005 which is directed to be heard along with this application, prayer there is that this Court should exercise its power and transfer C.C.No.1851/SS/05 pending on the file of

Metropolitan Magistrate, 21st Court, Bandra to such other criminal court of equal or superior jurisdiction. Mr.Shetye, learned Advocate for applicant states that in the light of the additional affidavit filed, serious apprehension is raised by applicant and this is a fit case where this Court should exercise its powers. However, he states that the applicant has not approached the sessions court making identical grievance. In these circumstances, although, notice is directed to be issued, he prays for withdrawal of the same with liberty to approach sessions court for identical reliefs. In the light of this statement of Mr.Shetye, application is allowed to be withdrawn with liberty to approach sessions court for identical reliefs. Ad-interim order granted by this Court to continue for a period of one week. All contentions are expressly kept open.

(S.C.Dharmadhikari, J)